In the Supreme Court of the United States

OCTOBER TERM, 1971

No. 71-111

THOMAS LEE CRAWFORD, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury trial in the United States District Court for the District of New Mexico, petitioner was convicted on five counts of unlawful possession of stolen mail, in violation of 18 U.S.C. 1708. He was sentenced to four years' imprisonment. The court of appeals affirmed (Pet. App. B).

Petitioner's sole claim is that the trial judge committed reversible error in refusing to permit defense counsel to inquire of the prospective jurors on *voir dire* about their attitude regarding the defense of entrapment. The court of appeals, in its opinion on which we rely, fully examined this issue and correctly held that the judge had not abused his discretion, since

it could not be known until the close of the evidence whether an entrapment instruction would be appropriate, and since it is not ordinarily necessary to inquire into a prospective juror's views of a legal issue.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

AUGUST 1971.

U.S. GOVERNMENT PRINTING OFFICE: 1971